

The 2007 *IP and The Internet* Conference

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Monday, August 27, 2007

Doubletree Guest Suites Santa Monica

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Wednesday, August 29, 2007

Sir Francis Drake Hotel

450 Powell Street

San Francisco, CA 94102

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PROGRAM

8:15am–8:30am

Opening Remarks

8:30am–9:45am

Internet Law Update

A leading Internet law scholar provides insights and updates on the rapidly evolving state of intellectual property and Internet law.

Professor Jay Dratler, Jr., Goodyear Professor of Intellectual Property Law, University of Akron School of Law

9:45am–10:45am

Unearthing and Dissecting Internet Fraud

Along with its remarkable benefits, the Internet is a vast arena of civil and criminal excesses, whether based on familiar deceptions or complex technological innovations. How to recognize, investigate, characterize, and counter fraudulent activity is a persistent challenge. This session will highlight examples of dealing with selected problems including new domain name scams, phishing, malware and other cutting edge schemes.

DOJ/FBI representative to be announced

David Steele, Christie Parker and Hale LLP

Bennet G. Kelley, Assistant General Counsel and Director of Governmental Affairs & Privacy, ValueClick, Inc.

10:45am–11:00am

Break

11:00am–12:00pm

Video Games: Property and Privacy

As virtual worlds grow in popularity, they raise a number of legal issues from both an intellectual property and a privacy perspective.

How can player data, and game play chat, be collected and utilized in a manner that maximizes its value to the operator, third parties and, arguably, the gamer—all without unduly exploiting the gamer and violating his or her privacy rights? To what extent does and should the law recognize "property" rights in virtual objects and avatars? Are end-user license agreements (EULAs) enforceable even though they may contradict the reasonable expectations of users?

This session will explore the need for, and limits of, legal regulation of virtual worlds.

Roxanne E. Christ, Latham & Watkins LLP

Professor Tyler T. Ochoa, Santa Clara University School of Law

12:00pm–1:30pm

Lunch

Intuit: A Transfer to Technology

Over the last 20 years, Intuit has grown into a \$3 billion software company, with a portfolio of businesses offering well known products such as Turbo Tax™, QuickBooks™ and Quicken™. In the three years since joining Intuit from Sun Microsystems, Laura Fennell has helped Intuit transition from a company selling popular desktop products to an innovative and trend-setting technology company. It's not just about implementing legal protections. It's the people and it's the mindset. Ms. Fennell will give us a look at this unfolding story.

Laura Fennell, Senior Vice President, General Counsel and Corporate Secretary, Intuit, Inc.

1:30pm–1:45pm

Break

Be among the first to know! Sign up for program and other IP Section email notices. Go to www.ipsection.org and scroll down the left menu and click on "Sign up for E-Groups."

A program by the Copyright and Computer Law Subcommittees of the Intellectual Property Law Section of the State Bar of California

SCHEDULE

1:45pm–2:45pm

Open Source: Managing the Present, Anticipating the Future

With Open Source an established and vibrant reality, its multiple facets present novel and immediate challenges in development and licensing. Moreover, existing questions are being amplified by changes on the horizon, most notably GPL3 and patent threats. Our speakers will present key perspectives from their extensive and diverse experience in the Open Source arena.

*Stephen T. Kong, Townsend and Townsend and Crew LLP
Steve Schreeve, Co-Founder and Board Member of Medsphere Systems Corporation
Jason B. Wacha, VP Corporate Affairs and General Counsel for MontaVista*

2:45pm–3:45pm

"Tertiary" Copyright Infringement Liability: War Stories From The Front Line of the Napster Litigation

You've heard of direct copyright infringement, and secondary infringement (contributory, vicarious, and inducement liability as set forth in the *MGM/Grokster* case from the Supreme Court). In recent years, some copyright holders have sued or threatened to sue "angel" investors, venture capitalists, and lenders, as well as officers and directors of entities whose sites, hi-tech products, or services are alleged to engage in or support direct infringement. This is a panel of lawyers and parties to the lawsuits filed by Universal Music Group and EMI Group against Bertelsmann AG and VC firm Hummer Winblad. The defendants had, among other things, invested in or loaned money to the original peer-to-peer (P2P) music file sharing sensation, Napster. The record label plaintiffs alleged the defendants exercised substantive control of Napster and intentionally contributed to infringing conduct occurring through Napster for their own financial gain. The lawsuits settled earlier this year. These experts will discuss the case, the theory, and whether the lawsuits and the resulting specter of lawsuits has chilled or altered investment in, or the way angels and VCs are involved with technologies that copyright holders might contend might or are directly infringing their rights or are being used by others to do so.

*Hank Barry, Howard Rice Nemerovski Canady Falk & Rabkin
Kelly Klaus, Munger, Tolles & Olson LLP
Milton Olin, Altschul & Olin LLP
Michael H. Page, Kecker & Van Nest LLP*

3:45pm–4:00pm

Break

4:00pm–5:30pm

User Driven Digital Content— The Legal Problems; Some Solutions

In a recent decision, Justice Kozinski aptly opined that "the Internet has opened new channels of communication and self-expression. Countless individuals use message boards, date matching sites, interactive social networks, blog hosting services and video sharing websites to make themselves and their ideas visible to the world. While such intermediaries enable the user-driven digital age, they also create new legal problems." This panel will explore these legal problems and some approaches for managing them.

Moderator:

Professor Tyler T. Ochoa, Santa Clara University School of Law

Panelists:

Zahava Levine, General Counsel, YouTube

Scott Martin, Executive Vice President Intellectual Property, Paramount Pictures

Corynne McSherry, Staff Attorney, Electronic Frontier Foundation

Matt Robinson, VP Business Development & General Counsel, Attributor Corporation

5:30pm–7:00pm

Hosted Networking Reception

Registration Information

The 2007 IP and The Internet Conference

Online Registration

www.calbar.ca.gov/ipsection

Registration by Mail

Your registration must be received **no later than Wednesday, August 15, 2007**. Please send your completed registration form and check payable to The State Bar of California to:

Program Registrations

The State Bar of California

180 Howard Street

San Francisco, CA 94105-1639

Registration by Fax:

Fax to program registrations at 415.538.2368. Visa/MasterCard ONLY. *Credit card information is mandatory.*

On-Site Registrations

On-site registration opens at 7:30am and is subject to space availability.

Cancellations/Refunds

Cancellations and request for refunds must be received in writing **no later than Wednesday, August 15, 2007**. Substitute registrants are allowed, but must register in their own name.

MCLE Credit

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Special Assistance

Please call 415.538.2071 or TDD for speech and hearing impaired 415.538.2231.

Questions

For registration information, please call 415.538.2508. For program content/Section information, please call 415.538.2375.

Audio Tapes

Audio tapes of the program will be available with a complete set of program materials from Versa-Tape. To order, please call 800.468.2737.

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Registration Fees (check appropriate box)

- ☐ **\$295** Members of the State Bar of California
Intellectual Property Law Section
- ☐ **\$365** Non-Member of the State Bar of California Intellectual Property
Law Section (Remaining 2007 Section Membership Included)
- ☐ **\$385** All Registrations after Wednesday, August 15, 2007
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- ☐ **\$50** Non-Attorney Law Students (Student ID Required * Space Limited)

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